UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,839	10/23/2001	Christophe Gourraud	P15282US1	9172

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EXAMINER
PHILLIPS, HASSAN A

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/682,839	GOURRAUD ET AL.
	Examiner	Art Unit	
	Hassan Phillips	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   **Office Action Summary**   Part of Paper No./Mail Date 3

DETAILED ACTION

Information Disclosure Statement

The Information Disclosure Statement (IDS) filed on November 2, 2001 has been

received and considered by the examiner.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance

with 37 CFR 1.67(a) identifying this application, by application number and filing date is

required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the
named inventor or inventors to be the original and first inventor or inventors of
the subject matter which is claimed and for which a patent is sought.

It does not state that the person making the oath or declaration has reviewed and
understands the contents of the specification, including the claims, as amended
by any amendment specifically referred to in the oath or declaration.

It does not state that the person making the oath or declaration acknowledges
the duty to disclose to the Office all information known to the person to be
material to patentability as defined in 37 CFR 1.56.

Claim Objections

Claims 5 and 15 are objected to because of the following informalities: Claim 5,

a dependent claim of claim 3, and claim 15, a dependent claim of claim 13, are both

inconsistent with their independent claims. In step (j) of claim 3, and in claim 13, a

second leg is established between a service provider and a content provider. However,

in claims 5, and 15, the second leg is established between a service provider and an

SIP terminal. Appropriate correction is required.

In order to complete the review of the application for patent, the examiner has

interpreted claims 5 and 15 to have the second leg established between the service

provider and the content provider.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Desrochers et al., in view of Stahl, U.S. Patent publication 2002/0161793.

In considering claim 1, Desrochers et al. discloses a telecommunications network

comprising a web server connected to a media player, and a method for performing an

SIP session between an SIP client and the media player, the method comprising the

steps of:

    a) sending a *wake up call* request, or program request, to the web server,

       (see sections 2 and 3, also see Fig.'s 2-4);

    b) responsive to a receipt of the program request, determining in the web

       server a media player storing the program, (see Fig's 2-4);

  c) the web server establishing a first SIP session between the SIP client and

    the media player storing the program, (see Fig's 2-4);

  d) streaming from the media player storing the program to the SIP client

    over an SIP session (see Fig.'s 3-4).

Although the disclosed system and method of Desrochers et al. shows substantial features of the claimed invention, it fails to explicitly disclose:

  a) the program request comprising a program list including a plurality of

    selected programs.

Nevertheless, in a similar field of endeavor where information is retrieved by an application program from various content servers, Stahl discloses a network comprising:

  a) sending an item request to an intermediate node, the item request

    comprising an item list including a plurality of selected items (pg. 3,

    paragraph 32).

Thus, given the teachings of Stahl, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Desrochers et al., in order to send a list including a plurality of selected programs to the web server. Sending a list of selected items to the web server would have allowed for the SIP client to retrieve multiple programs from various providers while taking the burden of finding the different providers off of the SIP client, Stahl, pg. 2, paragraph 27. Therefore, the claimed invention (claim 1) would have been an obvious modification of the methods disclosed by Desrochers et al., in view of Stahl.

In considering claim 2, Desrochers et al. further discloses:

a) releasing an SIP session between the SIP client and the media player
   storing the program (see Fig. 3, step 16).

Although the disclosed system and method of Desrochers et al. shows
substantial features of the claimed invention, it fails to explicitly disclose:

a) following the release of the first SIP session determining in the web server
   a media player storing a second program from a plurality of selected
   programs and establishing a second SIP session between the SIP client
   and the media player.

Nevertheless, it is obvious, if not implicit that the method of Stahl provides a
means for:

a) releasing a first session between the application program and the content
   provider storing the first item;

b) following the release of the first session, determining in the intermediate
   node a content provider storing a second item from the plurality of
   selected items;

c) the intermediate node establishing a second session between the
   application program and the content provider storing the second item;

d) streaming from the content provider storing the second item to the
   application program, the second item.

   (See Stahl, pg. 6, paragraphs 72, 73, and pg. 7, paragraphs 79, 80. Also
   see Fig. 8.)

Thus, given the teachings of Stahl, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Desrochers et al., in order to utilize the web server for establishing a second SIP session between the SIP client and the media player. Using the web server to release and establish multiple SIP sessions would take the burden off of the SIP client, and allow for the SIP client to connect to the internet via a low bandwidth connection, Stahl, pg. 6, paragraph 76. Therefore, the claimed invention (claim 2) would have been an obvious modification of the methods disclosed by Desrochers et al., in view of Stahl.

In considering claim 3, see Desrochers et al., Fig.'s 2-3, steps 2 and 6. Also see Fig. 4.

In considering claim 4, see Desrochers et al., Fig.'s 2-3, steps 1 and 2. Also see Fig. 4.

In considering claim 5, see Desrochers et al., Fig.'s 2-3, steps 5 and 6. Also see Fig. 4.

In considering claim 6, see Desrochers et al., sections 2 and 3. Also see Fig. 4.

In considering claim 7, see Desrochers et al., Fig.'s 3-4.

In considering claim 8, see Desrochers et al., Fig. 3, step 16.

In considering claim 9, although the disclosed system and method of Desrochers et al. shows substantial features of the claimed invention, it fails to explicitly disclose:

    a) releasing the SIP session between the SIP client and the media player storing the program responsive to a stop request sent from the SIP client to the web server for stopping the streaming of the program.

Nevertheless, the method of Stahl discloses:

    a) releasing a first session between the application program and the content provider storing the first item responsive to a stop request sent from the application program, (pg. 6, paragraph 75, and pg. 7, paragraphs 79, 80).

Thus, given the teachings of Stahl, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Desrochers et al., in order to release an SIP session, between the SIP client and the media player, responsive to a stop request message sent from the SIP client to the web server for stopping the streaming of the program. Using a stop request message would notify the web server that the SIP client no longer wants to continue the streaming of a program from the media player. This would prevent unnecessary streaming of information from the media player to the SIP client, Stahl, pg. 6, paragraph 75. Therefore, the claimed invention (claim 9) would have been an obvious modification of the methods disclosed by Desrochers et al., in view of Stahl.

In considering claim 10, although the disclosed system and method of Desrochers et al. shows substantial features of the claimed invention, it fails to explicitly disclose:

a) releasing the SIP session between the SIP client and the media player storing the program responsive to a skip request sent from the SIP client to the web server for skipping the streaming of the program.

Nevertheless, the method of Stahl discloses:

a) releasing a first session between the application program and the content provider storing the first item responsive to a stop request sent from the application program, (pg. 6, paragraph 75, and pg. 7, paragraphs 79, 80).

Although not explicitly stated, it would have been apparent to one of ordinary skill in the art to utilize a skip request when desiring to skip a content provider in order to stream data from a next provider who is on a list of providers. A skip command is well known in the art, and thus, given the teachings of Stahl, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Desrochers et al., in order to release an SIP session, between the SIP client and the media player, responsive to a skip request message sent from the SIP client to the web server in order to skip to a next media player for streaming a different program. Using a skip request message would prevent the streaming of unwanted information, and allow an SIP client to skip to information that is wanted. Therefore, the claimed invention (claim 10) would have been an obvious modification of the methods disclosed by Desrochers et al., in view of Stahl.

Claims 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desrochers et al., in view of Stahl.

In considering claim 11, Desrochers et al. discloses a telecommunications network comprising:

a) an SIP client/terminal, (see Fig. 4);

b) a web server connected to the SIP client through a communications interface, (see Fig. 4);

c) the web server establishing a first SIP session between the SIP client and the media player storing a program, (see Fig's 2-4);

d) streaming from the media player storing the program to the SIP client over an SIP session (see Fig.'s 3-4).

Although the disclosed system and method of Desrochers et al. shows substantial features of the claimed invention, it fails to explicitly disclose:

a) a plurality of content providers connected to the web server, wherein the SIP client sends to the web server a program request comprising a list including a plurality of selected programs.

Nevertheless, Stahl discloses a network comprising:

a) a plurality of content providers connected to an intermediate node, (see Fig. 8);

     b) an application program sending to an intermediate node an item request

        comprising an item list including a plurality of selected items (pg. 3,

        paragraph 32).

    Thus, given the teachings of Stahl, it would have been obvious to a person of

ordinary skill in the art, at the time of the present invention, to modify the teachings of

Desrochers et al., in order to provide a plurality of media players, or content providers,

in the system disclosed by Desrochers et al., and to have the SIP client send a list

including a plurality of selected programs to the web server, and to have the web server

establish a first SIP session between the SIP client and a content provider. Sending a

list of selected items to the web server would have allowed for the SIP client to retrieve

multiple programs from various providers while taking the burden of having to find

different providers off of the SIP client, Stahl, pg. 2, paragraph 27. Therefore, the

claimed invention (claim 11) would have been an obvious modification of the methods

disclosed by Desrochers et al., in view of Stahl.

    In considering claim 12, Desrochers et al. further discloses:

     a) releasing an SIP session between the SIP client and the media player

        storing the program (see Fig. 3, step 16).

    Although the disclosed system and method of Desrochers et al. shows

substantial features of the claimed invention, it fails to explicitly disclose:

     a) following the release of the first SIP session determining in the web server

        a media player storing a second program from a plurality of selected

programs and establishing a second SIP session between the SIP client

and the media player.

Nevertheless, it is obvious, if not implicit that the method of Stahl provides a

means for:

      a) releasing a first session between the application program and the content

         provider storing the first item;

      b) following the release of the first session, determining in the intermediate

         node a content provider storing a second item from the plurality of

         selected items;

      c) the intermediate node establishing a second session between the

         application program and the content provider storing the second item;

      d) streaming from the content provider storing the second item to the

         application program, the second item.

         (See Stahl, pg. 6, paragraphs 72, 73, and pg. 7, paragraphs 79, 80. Also

         see Fig. 8)

Thus, given the teachings of Stahl, it would have been obvious to a person of

ordinary skill in the art, at the time of the present invention, to modify the teachings of

Desrochers et al., in order to utilize the web server for establishing a second SIP

session between the SIP client and the media player. Using the web server to release

and establish multiple SIP sessions would take the burden of the SIP client and allow

for the SIP client to connect to the internet via a low bandwidth connection, Stahl, pg. 6,

paragraph 76. Therefore, the claimed invention (claim 12) would have been an obvious

modification of the methods disclosed by Desrochers et al., in view of Stahl.

In considering claim 13, see Desrochers et al., Fig.'s 2-3, steps 2 and 6. Also

see Fig. 4.

In considering claim 14, see Desrochers et al., Fig.'s 2-3, steps 1 and 2. Also

see Fig. 4.

In considering claim 15, see Desrochers et al., Fig.'s 2-3, steps 5 and 6. Also

see Fig. 4.

In considering claim 16, see Desrochers et al., sections 2 and 3. Also see Fig. 4.

In considering claim 17, see Desrochers et al., Fig.'s 3-4.

In considering claim 18, see Desrochers et al., Fig. 3, step 16.

In considering claim 19, although the disclosed system and method of

Desrochers et al. shows substantial features of the claimed invention, it fails to explicitly

disclose:

a) releasing the SIP session between the SIP client and the media player

storing the program responsive to a stop request sent from the SIP client

to the web server for stopping the streaming of the program.

Nevertheless, the method of Stahl discloses:

a) releasing a first session between the application program and the content

provider storing the first item responsive to a stop request sent from the

application program, (pg. 6, paragraph 75, and pg. 7, paragraphs 79, 80).

Thus, given the teachings of Stahl, it would have been obvious to a person of

ordinary skill in the art, at the time of the present invention, to modify the teachings of

Desrochers et al., in order to release an SIP session, between the SIP client and the

media player, responsive to a stop request message sent from the SIP client to the web

server for stopping the streaming of the program. Using a stop request message would

notify the web server that the SIP client no longer wants to continue the streaming of a

program from the media player. This would prevent unnecessary streaming of

information from the media player to the SIP client, Stahl, pg. 6, paragraph 75.

Therefore, the claimed invention (claim 19) would have been an obvious modification of

the methods disclosed by Desrochers et al., in view of Stahl.

In considering claim 20, although the disclosed system and method of

Desrochers et al. shows substantial features of the claimed invention, it fails to explicitly

disclose:

a) releasing the SIP session between the SIP client and the media player

storing the program responsive to a skip request sent from the SIP client

to the web server for skipping the streaming of the program.

Nevertheless, the method of Stahl discloses:

a) releasing a first session between the application program and the content

provider storing the first item responsive to a stop request sent from the

application program, (pg. 6, paragraph 75, and pg. 7, paragraphs 79, 80).

Although not explicitly stated, it would have been apparent to one of ordinary skill

in the art to utilize a skip request when desiring to skip a content provider in order to

stream data from a next provider who is on a list of providers. A skip command is well

known in the art, and thus, given the teachings of Stahl, it would have been obvious to a

person of ordinary skill in the art, at the time of the present invention, to modify the

teachings of Desrochers et al., in order to release an SIP session, between the SIP

client and the media player, responsive to a skip request message sent from the SIP

client to the web server in order to skip to a next media player for streaming a different

program. Using a skip request message would prevent the streaming of unwanted

information, and allow an SIP client to skip to information that is wanted. Therefore, the

claimed invention (claim 20) would have been an obvious modification of the methods

disclosed by Desrochers et al., in view of Stahl.

In considering claim 21, see Desrochers et al., Fig.'s 3 and 4.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Desrochers et al., in view of Stahl.

In considering claim 22, Desrochers et al. discloses a service provider in a

telecommunications network, the service provider comprising:

a) a web server for receiving a program request from an SIP client, (see

sections 2 and 3, also see Fig. 4);

b) a service application for establishing a first SIP communication session

between the SIP client and a media player storing a program, (see Fig's 2-

4);

c) streaming from the media player storing the program to the SIP client, the

program over an SIP session (see Fig.'s 3-4).

Although the disclosed system and method of Desrochers et al. shows

substantial features of the claimed invention, it fails to explicitly disclose:

a) the web server receiving a request for a plurality of programs from the SIP

client, and the web server determining a content provider storing each

program of the plurality of selected programs.

Nevertheless, Stahl discloses a network comprising:

a) an intermediate node receiving a request for a plurality of items from an

application program, (pg. 3, paragraph 32);

b) the intermediate node determining a content provider storing each item of

the plurality of selected items, (pg. 6, paragraph 73, also see Fig. 8);

Thus, given the teachings of Stahl, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Desrochers et al., in order to have the web server receive a request for a plurality of programs from the SIP client, and to determine each content provider storing each program from the plurality of selected programs. Using the web server to determine multiple content providers, and to establish communication between the content providers and the SIP client would take the burden off the SIP client and allow for the SIP client to connect to the internet via a low bandwidth connection, Stahl, pg. 6, paragraph 76. Therefore, the claimed invention (claim 22) would have been an obvious modification of the methods disclosed by Desrochers et al., in view of Stahl.

In considering claim 23, see Desrochers et al., Fig.'s 2-4.

In considering claim 24, see Desrochers et al., sections 2 and 3. Also see Fig. 4.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Desrochers et al., "Experimenting with PARLAY in a SIP Environment: Early Results" discloses a method, system and service provider for IP media program transfer.

Stahl, U.S. Patent publication 2002/0161793 discloses a system for retrieving information from content servers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FRANTZ B. JEAN
PRIMARY EXAMINER

HP
2/6/04